



NOTICE OF RULE MAKING – Pre-proposal #10-19

The Washington State Liquor Control Board has entered into the initial stage of rule making to review **WAC 314-44 Licensed Agents**.

The Liquor Control Board encourages you to give input on changes that will clarify the rules on **Licensed Agents**. Following the comment period, the agency will propose a change in the rules. The agency will send out and publish the proposed revised rules and will hold at least one public hearing before the rules are adopted.

This notice can be found at <http://www.liq.wa.gov/laws.asp> under Proposed Rules. The text of the WAC under review is attached.

Public Comment

Please forward your comments to the Liquor Control Board by mail, e-mail, or fax by August 1, 2010.

By mail: Rules Coordinator
Liquor Control Board
P.O. Box 43080
Olympia, WA 98504-3080

By e-mail:
rules@liq.wa.gov

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360-664-9689

Chapter 314-44 WAC

LICENSED AGENTS**Last Update: 9/2/98****WAC**

314-44-005

Agent's license required--Eligible employers defined--Certain classes limited--Bona fide entity defined--Prohibited practices.

314-44-015

Agent license limited authority.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-44-010 Sales to board--Registration of agents. [Rule 112, filed 6/13/63.] Repealed by Order 46, filed 6/9/76. Later promulgation, see WAC 314-44-005.

314-44-020 Salesman--Prohibited practices--Penalties. [Rule 113, filed 6/13/63.] Repealed by Order 46, filed 6/9/76. Later promulgation, see WAC 314-44-005.

WAC 314-44-005 Agent's license required--Eligible employers defined--Certain classes limited--Bona fide entity defined--Prohibited practices. (1) No person shall canvass for, solicit, receive or take orders for the purchase or sale of any liquor, or act as the agent for the purchase or sale of liquor, nor contact any licensees of the board in goodwill activities, unless such person is holder of an agent's license as provided in RCW 66.24.310, and this regulation.

(2) An agent's license may be issued to the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a beer distributor's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine distributor's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine. A person, firm, or corporation so qualified, is herein defined to be an eligible employer. Such employer shall apply to the board for such an

agent's license for his accredited representatives on application forms prescribed and furnished by the board.

(3) Every firm which applies for an agent's license under the provisions of this section shall furnish the board with satisfactory proof that such firm is in fact a bona fide business entity.

(4) Only the licensed agent of a distiller, manufacturer, importer, or distributor of spirituous liquor may contact retail licensees in goodwill activities when such contacts pertain to spirituous liquor products.

(5) No distiller, manufacturer, importer, distributor of liquor, or agent thereof, shall solicit either in person, by mail or otherwise, any liquor vendor or employee of the board, except the purchasing agent thereof, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise.

(6) No distiller, manufacturer, importer, distributor of liquor, or agent thereof, shall visit any state liquor store or agency for the purpose of exerting influence on employees for sales promotion or to secure information regarding inventory or any other matter relating to sales. They may deliver, or have delivered, and assemble where required, consumer offers and display material that have been approved by the board or its designee. Violation of this section will result in a penalty against all company items, which in appropriate cases could mean a partial or total delisting of those items.

(7) No distiller, manufacturer, importer, or distributor of liquor, or agent thereof, shall give or offer to any employee of the board any entertainment, gratuity or other consideration for the purpose of inducing or promoting the sale of merchandise.

(8) No distiller, manufacturer, importer, or distributor, or agent thereof, shall allow, pay or rebate, directly or indirectly, any cash or merchandise to any retail licensee to induce or promote the sale of liquor, including the payment of tips to such licensees or their employees and the purchasing of drinks "for the house." Such persons, firms and licensees must operate in conformity with WAC 314-12-140, RCW 66.28.010, 66.28.040, and other applicable laws and rules.

(9) Upon the infraction of any law or regulation by any distiller, manufacturer, importer, distributor, or agent, the board may, in addition to imposing other penalties as prescribed by law, remove such firm's products from the sales list of the board, and/or prohibit the sale of any brand or brands of beer or wine involved as provided in RCW 66.28.030.

(10) Upon the termination of the employment of a licensed agent, his employer shall immediately notify the board and with such notice return to the board the agent's license issued to such person.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200,

66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244,
66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400,
66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455,
66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050,
66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310,
66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, §
314-44-005, filed 9/2/98, effective 10/3/98. Statutory
Authority: RCW 66.08.030. 89-01-004 (Order 271, Resolution No.
280), § 314-44-005, filed 12/8/88. Statutory Authority: RCW
66.08.030 and 66.98.070. 82-04-029 (Order 93, Resolution No.
102), § 314-44-005, filed 1/27/82; Order 46, § 314-44-005, Rule
111, filed 6/9/76. Formerly WAC 314-44-010 and 314-44-020.]

WAC 314-44-015 Agent license limited authority. (1)

Agents licensed under the authority of RCW 66.24.310 may perform goodwill activities as authorized by the board.

(2) Agents licensed under RCW 66.24.310 are prohibited from using their agent's license as a means to represent their being an employee of the board for the purpose of (a) obtaining admission to liquor licensed establishments, (b) misleading anyone into thinking they are a liquor enforcement officer or (c) checking identification of patrons.

[Statutory Authority: RCW 66.08.030. 94-14-023, § 314-44-015, filed 6/27/94, effective 7/28/94.]